

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
v.                            )  
\$23,696.90 IN UNITED STATES CURRENCY )  
SEIZED FROM BANK OF AMERICA )  
CHECKING ACCOUNT NUMBER 5010 0047 )  
0087 IN THE NAME OF BARBARA JELINSKY )  
AND MICHAEL JELINSKY, 89 TAPADERO )  
LANE, LAS VEGAS, NV 89135, LOCATED AT )  
BANK OF AMERICA, 300 S. 4<sup>TH</sup> STREET, LAS )  
VEGAS, NEVADA 89101,                 )  
                                    )  
Defendant.                 )

**THE UNITED STATES OF AMERICA'S UNOPPOSED APPLICATION TO EXTEND  
THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST  
THE \$23,696.90 IN UNITED STATES CURRENCY  
(First Request)**

The United States of America ("United States"), by and through Gregory A. Brower, United States Attorney, and Daniel D. Hollingsworth, Assistant United States Attorney, and Barbara Jelinsky ("Jelinskys"), by and through her counsel, Gerald B. Lefcourt, and Michael Jelinsky ("Jelinskys"), by and through his counsel, Richard Barnett, respectfully apply for an extension of time until and including May 30, 2008, pursuant to 18 U.S.C. § 983(a)(3)(A), for the United States to file a Civil

1 Complaint For Forfeiture In Rem against the \$23,696.90 in United States Currency. The Complaint  
2 is currently due April 3, 2008.

3 The grounds for this unopposed application are counsel for the United States and counsel for  
4 the Jelinskys have agreed to the extension.

5 This Unopposed Application is made and is based on this Unopposed Application and the  
6 attached Memorandum of Points and Authorities.

7 DATED this 7th day of March, 2008.

8 GREGORY A. BROWER  
9 United States Attorney

10 /s/DanielDHollingsworth  
11 DANIEL D. HOLLINGSWORTH  
12 Assistant United States Attorney

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1     **MEMORANDUM OF POINTS AND AUTHORITIES**

2     **I. Statement Of Facts**

3                 On or about October 11, 2007, the Immigration and Customs Enforcement (“ICE”) in Las  
4     Vegas, Nevada executed a seizure warrant on Bank of America and seized US\$23,696.90.

5                 On or about December 4, 2007, the Customs and Border Protection Office of Fines, Penalties  
6     & Forfeitures (“FP&F”) mailed notice of seizure certified return receipt requested.

7                 On January 4, 2008, FP&F received a claim requesting judicial action from Michael Jelinsky.

8                 On January 7, 2008, FP&F received a claim requesting judicial action from Barbara Jelinsky.

9                 On March 6, 2008, Gerald B. Lefcourt, Barbara Jelinsky’s attorney, and Richard Barnett,  
10     Michael Jelinsky’s attorney, agreed to the extension of time and authorized counsel for the United  
11     States to file this Unopposed Application with this Court. Gerald B. Lefcourt and Richard Barnett  
12     need time to discuss the case with the Jelinskys.

13     **II. ARGUMENT**

14                 This Court should grant this application for an extension of time to file the Civil Complaint  
15     For Forfeiture In Rem against the \$23,696.90 in United States Currency under 18 U.S.C. §  
16     983(a)(3)(A), which states:

17                 [T]he Government shall file a complaint for forfeiture in the manner  
18     set forth in the Supplemental Rules for Certain Admiralty and  
19     Maritime Claims . . . , a court in the district in which a complaint will  
   be filed may extend the period for filing a complaint for good cause  
   shown or *upon agreement of the parties*. (emphasis added)

20                 A district court has the authority under § 983(a)(3)(A) to extend the period for filing a Civil  
21     Complaint For Forfeiture In Rem. On March 6, 2006, counsel for the Jelinskys agreed to the  
22     extension of time and authorized counsel for the United States to file this Unopposed Application with  
23     this Court. Because the parties have agreed to the extension of time to file a Civil Complaint For  
24     Forfeiture In Rem, this Court should extend the time.

25                 This Unopposed Application is not submitted solely for the purpose of delay or for any other  
26     improper purpose.

## II. Conclusion

This Court should grant an extension of time until May 30, 2008, pursuant to § 983(a)(3)(A), for the United States to file a Civil Complaint For Forfeiture In Rem against the \$23,696.90 in United States Currency because the United States and counsel for the Jelinskys have agreed to the extension of time.

DATED this 7th day of March, 2008.

Respectfully submitted,

**GREGORY A. BROWER  
United States Attorney**

/s/DanielDHollingsworth  
DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney

IT IS SO ORDERED.

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**LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE**

DATED: March 27, 2008